

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BRAHEEM POTEAT,)	
)	
Petitioner,)	
)	
v.)	Civ.Act.No. 07-639-GMS
)	
PERRY PHELPS , Warden)	
and JOSEPH R. BIDEN, III , Attorney)	
General for the State of Delaware)	
)	
Respondents.)	

MOTION FOR EXTENSION OF TIME

Pursuant to Rule 6 of the Federal Rules of Civil Procedure, respondents move for an extension of time in which to file an answer to the petition. In support thereof, respondents state the following:

MOTION FOR EXTENSION OF TIME

Pursuant to Rule 6 of the Federal Rules of Civil Procedure, respondents move for an extension of time in which to file an answer to the petition. In support thereof, respondents state the following:

1. The petitioner, Braheem Poteat, has applied for federal habeas relief, alleging error by the state courts. D.I. 1. Respondents filed their response to that petition on July 11, 2008.

2. By the terms of the Court's order, the respondents are directed to attach to the answer certified copies of the state court records material to the questions raised in the petitioner's case.

3. Counsel has requested certified copies of petitioner's state court records. Once retrieved and collected, those documents will be forwarded to counsel promptly. Counsel anticipates that those documents should be filed on or before August 8, 2008.

4. Respondents submit that an extension of time to August 8, 2008, in which to file certified copies of the material portions of the state court records in this case is reasonable. Respondents submit herewith a proposed order.

/s/Kevin M. Carroll
Deputy Attorney General
Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 577-8500
Del. Bar. ID No. 4836
Kevin.Carroll@state.de.us

DATE: July 11, 2008

RULE 7.1.1 CERTIFICATION

I hereby certify that I have neither sought nor obtained the consent of the petitioner, who is incarcerated and appearing *pro se*, to the subject matter of this motion.

/s/ Kevin M. Carroll
Deputy Attorney General

Counsel for Respondents

Date: July 11, 2008

CERTIFICATE OF SERVICE

I hereby certify that on July 11, 2008, I electronically filed the attached documents with the Clerk of Court using CM/ECF. I also hereby certify that on July 11, 2008, I have mailed by United States Postal Service, the same documents to the following non-registered participant:

Braheem Poteat
No. 376102
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

/s/Kevin M. Carroll
Deputy Attorney General
Department of Justice
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Wilmington, DE 19801
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General for the State of Delaware)	
)	
Respondents.)	

ORDER

This _____ day of _____, 2008,

WHEREAS, respondents having requested an extension of time in which to file an answer, and

WHEREAS, it appearing to the Court that the requested extension is timely made and good cause has been shown for the extension,

IT IS HEREBY ORDERED that certified copies of Delaware state court records shall be filed on or before August 8, 2008.

United States District Judge